

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO VEGA, JR.,

Plaintiff,

v.

M. SOTO, et al.,

Defendants.

Case No. 1:22-cv-00471-JLT-EPG (PC)

ORDER DENYING, WITHOUT PREJUDICE,  
PLAINTIFF'S SECOND MOTION TO  
COMPEL

(ECF No. 52)

Plaintiff Francisco Vega, Jr., is a state prisoner proceeding *pro se* in this civil rights action. This case proceeds on Plaintiff's First Amendment retaliation claims against Defendants Soto, Borba, and Noujaime. (ECF No. 15).

Now before the Court is Plaintiff's motion to compel Defendants' response to his requests for admissions. (ECF No. 52). Plaintiff states that Defendants have "failed to adequately respond to Plaintiff's Request for Admission per law," which he submitted on May 18, 2023. (*Id.* at 1). However, the only argument consists of about a half page, which states that Defendants provided an "incomplete response," generally cites Federal Rule of Civil Procedure 37, and seeks an order compelling Defendants to answer and an award of "litigation fees." (*Id.* at 3). Attached to the motion is Plaintiff's first set of requests for admissions for each of the three Defendants, but not Defendants' responses to the requests.

The Court denied an earlier motion to compel regarding Defendants' response to Plaintiff's first set of interrogatories on July 26, 2023. (ECF No. 51). The instant motion is dated

1 July 27, 2023, which suggests that Plaintiff had not received the Court's July 26, 2023 order when  
2 he filed this second motion to compel. The Court will deny Plaintiff's second motion to compel  
3 without prejudice for the same reasons as his first motion to compel.

4 Specifically, Plaintiff's second motion to compel does not include sufficient information  
5 to rule on it. Federal Rule of Civil Procedure 7(b) requires a motion to "state with particularity the  
6 grounds for seeking the order." Here, it is unclear whether a particular Defendant, or all  
7 Defendants, has or have completely failed to respond to his requests for admissions, or whether  
8 they have failed to respond to only some requests. Moreover, as required by the scheduling order,  
9 Plaintiff should have included with his motion any responses from Defendants to his requests,  
10 assuming they filed responses. (ECF No. 42, p. 5). Plaintiff also has not explained why  
11 Defendants' responses are insufficient.

12 The Court will thus deny Plaintiff's motion at this time. Plaintiff may file a new motion  
13 including the information set forth above if he wishes to do so.

14 Accordingly, IT IS ORDERED that Plaintiff's second motion to compel (ECF No. 52) is  
15 denied without prejudice.

16 IT IS SO ORDERED.

17 Dated: August 1, 2023

18 /s/ Eric P. Grogan  
19 UNITED STATES MAGISTRATE JUDGE  
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